



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 WRIT PETITION NO. 6664 OF 2014

Bhatusing Eknath Chavan

VERSUS

Scheduled Tribe Certificate Scrutiny Committee, Nandurbar And
Another

...

Mr. Umesh Gite h/f. Mr. Sagar S. Phatale, Advocate for the Petitioner
Ms. M. N. Ghanekar, AGP for Respondents/State
Mr. Devdatt P. Palodkar, Advocate for Respondent No.2

...

WITH

CIVIL APPLICATION NO. 12775 OF 2024 IN WP/6664/2014

...

CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.

DATED : 21st APRIL 2026

ORDER (Per Abasaheb D. Shinde J.):-

1. Heard.
2. Rule. Rule is made returnable forthwith. With the consent of parties the Writ Petition is taken up for final hearing at the stage of admission.
3. By this Writ Petition, the petitioner seeks to challenge the judgment and order dated 30.06.2014 passed by Respondent No.1/Scrutiny Committee by which the tribe claim of the petitioner of belonging to 'Thakur', Scheduled Tribe has been invalidated.
4. Learned Counsel for the petitioner submits that despite there

being voluminous record including that of the pre-constitutional era showing that the caste of the petitioner is 'Thakur', Respondent No.1/Scrutiny Committee has discarded those documents. He invited our attention to one such document pertaining to the School record of his father, namely, Shantilal Lotan Thakur, showing the entry of 14.09.1938, wherein the caste is mentioned as 'Thakur'. He would further submit that Respondent No.1/Scrutiny Committee without considering this document of pre-independence era having probative value, has given more emphasis on area restriction and passing of affinity test. He, therefore submits that Respondent No.1/Scrutiny Committee has committed an error in passing the impugned order. In order to buttress his submission that the affinity test is not a litmus test for deciding the tribe claim when pre-constitutional document is on record, he has relied on the judgment of this Court in the case of ***Abasaheb s/o Gulabrao Thakur Vs. The State of Maharashtra & others*** delivered on 25.02.2026 in Writ Petition No.7472 of 2021 and other connected Writ Petitions, wherein this Court has held that once there is oldest document of pre-independence era on record showing the status of caste, the affinity test cannot be applied as a litmus test in deciding the tribe claim. He, therefore, urge that the writ petition deserves to be allowed.

5. Per contra, learned AGP would submit that Respondent No.1/Scrutiny Committee was right in discarding the documents on which the petitioner places reliance. She would further submit that Respondent No.1/Scrutiny Committee has rightly considered the aspect with regard to area restriction as well as failure of petitioner to satisfy the affinity test. She, therefore, urge that since the order impugned is well reasoned and is passed after considering the entire documents placed on record, the writ petition deserves to be dismissed.

6. Having heard the learned Counsel for the petitioner and learned AGP, and after having gone through the record, we find that the oldest document pertaining to the petitioner's father in the nature of school record dated 14.09.1938 shows the caste as Thakur. We find that neither in the Vigilance Cell Enquiry nor the Respondent No.1/Scrutiny Committee while deciding the matter has raised any suspicion about the said document. In that view of the matter, we find that the approach of Respondent No.1/Scrutiny Committee in discarding the oldest document having probative value is erroneous. In the light of the judgment of this Court in the case of *Abasaheb s/o Gulabrao Thakur (supra)*, we find that the affinity test is not a litmus test in deciding the caste claim of the claimant. In that view of the

matter, we are inclined to allow this writ Petition. Hence we pass the following order :

:: O R D E R ::

- i.** The Writ Petition is allowed.
- ii.** The impugned order dated 30.06.2014 passed by Respondent No.1/Scrutiny Committee by which the tribe claim of the petitioner of belonging to 'Thakur', Scheduled Tribe has been invalidated, is hereby quashed and set aside.
- iii.** Respondent No.1/Scrutiny Committee is directed to issue validity certificate of belonging to 'Thakur', Scheduled tribe to the petitioner.
- iv.** Rule is thus made absolute in above terms
- v.** Pending Civil Application also stands disposed of.

[ABASAHEB D. SHINDE, J.]

[SANDIPKUMAR C. MORE, J.]